

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF COURT

MRS. UNITED STATES NATIONAL
PAGEANT, INC.,

Plaintiff,

v.

CROWN COUTURE, LLC and
GASPAR CRUZ, Individually,

Defendants.

**ORDER AND JUDGMENT
GRANTING MOTION FOR
DEFAULT JUDGMENT AND
ISSUING PERMANENT
INJUNCTION**

14-CV-6114L

Plaintiff, Mrs. United States National Pageant, Inc. ("Plaintiff") having moved this Court for Default Judgment against Defendants Crown Couture, LLC and Gaspar Cruz (collectively "Defendants") by Notice Motion for Default Judgment, dated August 5, 2014, and the Declaration of F. Michael Ostrander, Esq., dated August 5, 2014 with Exhibits annexed thereto, and Affidavit of Isabella Ilacqua, sworn to July 29, 2014, in support of Plaintiff's motion; and

The Court having found that Plaintiff is the owner of the following federally registered trademarks:

- (a) MRS. UNITED STATES® - U.S. TM Reg. No. 2083350
- (b) MRS. UNITED STATES NATIONAL PAGEANT® - U.S. TM Reg. No. 1851722
- (c) MISS UNITED STATES® - U.S. TM Reg. No. 3428292
- (d) MS. UNITED STATES® - U.S. TM Reg. No. 2157123
- (e) LITTLE MISS UNITED STATES® - U.S. TM Reg. No. 4027072
- (f) MISS JUNIOR TEEN UNITED STATES® - U.S. TM Reg. No. 3234362
- (g) MISS TEEN UNITED STATES® - U.S. TM Reg. No. 3234363
- (h) MISS TEENAGER UNITED STATES® - U.S. TM Reg. No. 2824308

These trademarks are collectively referred to herein as "Plaintiff's Trademarks;" and

The Clerk having entered Defendants' default and this Court having further found that Defendants Crown and Cruz are in default by reason of their failure to answer or otherwise appear in this action despite having been duly served and due deliberation having been had, and the Court having evaluated the merits of the underlying claims and the relief sought and

determined that the complaint's allegations, taken as true, establish plaintiff's right to the relief requested, *see Wagstaff-el v. Carlton Press Co.*, 913 F.2d 56, 57 (2d Cir.1990) it is hereby

ORDERED, that Plaintiff's motion for summary judgment against Defendants be and the same hereby is **GRANTED** in all respects; and it is further

ORDERED, that Defendants, their members, officers, directors, agents, servants, employees and all others acting on their behalf or in their stead or in concert therewith are hereby permanently enjoined and restrained from any further acts of trade name infringement and unfair competition and, more particularly, from, in any manner directly or indirectly:

- (i) using the marks MISS UNITED STATES INTERCONTINENTAL, MISS T.E.E.N., MISS T.E.E.N. UNITED STATES, and JR. T.E.E.N. UNITED STATES and any other marks which are confusingly similar to or marks that are dilutive to or otherwise violate Plaintiff's Trademarks;
- (ii) using the marks MISS UNITED STATES INTERCONTINENTAL, MISS T.E.E.N., MISS T.E.E.N. UNITED STATES, and JR. T.E.E.N. UNITED STATES and any other marks which are confusingly similar to or marks that are dilutive to or otherwise violate Plaintiff's Trademarks in connection with the operation and advertising of pageants;
- (iii) otherwise using or exploiting using the marks MISS UNITED STATES INTERCONTINENTAL, MISS T.E.E.N., MISS T.E.E.N. UNITED STATES, and JR. T.E.E.N. UNITED STATES and any other marks which are confusingly similar to or marks that are dilutive to or otherwise violate Plaintiff's Trademarks in connection with the operation and advertising of pageants;
- (iv) assisting, aiding or abetting any other person or entity from engaging or performing any of the activities referred to in subparagraphs 1(i)–(iiii) above;
- (v) Otherwise unfairly competing with the Plaintiff by the acts complained of in the Complaint; and it is further

ORDERED, that Defendants and all those acting in concert therewith are hereby directed to immediately deliver up for destruction all products, and all promotional materials and/or advertising materials of any kind bearing the marks MISS UNITED STATES INTERCONTINENTAL, MISS T.E.E.N., MISS T.E.E.N. UNITED STATES, and JR. T.E.E.N. UNITED STATES and any other marks which are confusingly similar to or marks that are dilutive to or otherwise violate Plaintiff's Trademarks;

ORDERED, that Defendants and all those acting in concert therewith are directed to cancel, discontinue using, and/or otherwise forfeit the following domain names: ["www.missteenuspageant.com,"](http://www.missteenuspageant.com) ["www.teenusw.com"](http://www.teenusw.com) and ["www.missusi.com"](http://www.missusi.com) and any other confusingly similar or dilutive domain name to Plaintiff's website domain or, in the alternative, transfer ownership of said domain names to the Plaintiff; and it is further

ORDERED, ADJUDGED AND DECREED, that Plaintiff has superior rights to Plaintiff's Trademarks and/or similar marks; and it is further

ORDERED, ADJUDGED AND DECREED, that Defendants are the junior users of the following marks:

- (a) MISS UNITED STATES INTERCONTINENTAL,
- (b) MISS T.E.E.N.,
- (c) MISS T.E.E.N. UNITED STATES, and
- (d) JR. T.E.E.N. UNITED STATES.

ORDERED, ADJUDGED AND DECREED, that Defendants are liable to Plaintiff for all of Plaintiff's damages and any profits generated as a result of the acts complained of in the Complaint in an amount to be determined at a hearing to be conducted before this Court;

ORDERED, ADJUDGED AND DECREED, that Defendants are liable to Plaintiff for its attorney's fees and costs incurred in this action in an amount to be determined at the conclusion of this matter;

ORDERED, ADJUDGED AND DECREED, that Plaintiff is entitled to obtain discovery from Defendants regarding any and all profits generated as a result of the acts complained of in the Complaint, including but not limited to, Defendant's having conducted beauty pageants in July 2014; and it is further

ORDERED, that upon the conclusion of Plaintiff's having obtained discovery from Defendants as aforesaid, this Court will set a date for a hearing to determine the amount of Plaintiff's damages and/or the amount of profits generated by Defendants, if any, as a result of the acts complained of in the Complaint.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
August 19, 2014